

MEMBERS OF COUNCIL

HON. KIM REYNOLDS
GOVERNOR

HON. PAUL D. PATE
SECRETARY OF STATE

HON. ROB SAND
AUDITOR OF STATE

HON. ROBY SMITH
TREASURER OF STATE

HON. MIKE. NAIG
SECRETARY OF AGRICULTURE



Executive Council of Iowa

CAPITOL BUILDING
DES MOINES, IOWA 50319
PHONE: 515 281-5368

July 10, 2023

Accounting Department
Office of the Treasurer
Lucas Building
321 E 12th Street
Des Moines, IA, 50319

RE: Contingent Fund Loan – South Central Iowa Landfill Agency (SCILA)

The Executive Council, in their meeting on today's date, approved the Contingency Fund Loan Request for the City of Lawler. This loan was approved for \$1,000,000.00 and will be prorated not to exceed twenty (20) years.

EXECUTIVE COUNCIL OF IOWA

Victoria Newton
Executive Secretary

cc: John Benson, Iowa Homeland Security and Emergency Management
Dennis Harper, Iowa Homeland Security and Emergency Management
Bonnie Rieder, Iowa Homeland Security and Emergency Management
Joel Lunde, Department of Management
Linda Leto, Department of Management
Mark Muetherthies, Mayor, City of Lawler



STATE OF IOWA

KIM REYNOLDS
GOVERNOR

ADAM GREGG
LT. GOVERNOR

IOWA DEPARTMENT OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT
PAUL TROMBINO III, HOMELAND SECURITY ADVISOR
AND EMERGENCY MANAGEMENT DIRECTOR

June 9, 2023

Executive Council of Iowa
LOCAL

Subject: Executive Council Agenda for July 3, 2023

I respectfully request time on the July 3, 2023, Executive Council Agenda for the City of Lawler's request for a Contingency Loan. The application for State Disaster Aid is authorized under Iowa Code Section 29C.20.

Please find enclosed the following items to support the City's request for \$1,000,000 and the Department of Homeland Security and Emergency Management's (HSEMD's) recommendation of \$1,000,000:

- City of Lawler's need for a \$1,000,000 contingency loan
 - Resolution by the City Council authorizing the Mayor to file the application
 - Certification by the Mayor to file and administer the loan in accordance with applicable local and state regulations
 - Application for Financial State Disaster Aid (SDA-3) to include a repayment schedule of 20 years
- HSEMD's recommendation of \$1,000,000 pursuant to Iowa Admin Code r. 361-7.5(1)
 - Review of the application for State Disaster Aid - Recommendation by the HSEMD Recovery Division Administrator for approval of the City's loan in an amount not to exceed \$1,000,000 pursuant to Iowa Admin Code r. 361-7.5(1)
 - Report and recommendation - Recommendation by Director Benson of HSEMD for approval of the City's loan in an amount not to exceed \$1,000,000 pursuant to Iowa Admin Code r. 361-7.5(1)
- Attorney General's Office review pursuant to Section 29C.20
 - City of Lawler's request complies with the statute and rules governing the contingency fund

Director Benson recommends approval of the City of Lawler's request for a Contingency Loan in the amount of \$1,000,000.

Sincerely,

Dennis Harper

Dennis T. Harper
Recovery Division Administrator

Enclosures



CITY OF LAWLER

414 E Grove Street
PO Box 215
Lawler, IA 52154

Phone: 563-238-3614
Fax: 563-238-3614

To: Director Benson, HSEMD:

The City of Lawler is requesting consideration for a State Contingent Fund loan for damages sustained under Governor's Proclamation 2021-17 dated August 30, 2021. On August 24, 2021, and continuing thereafter, a severe storm system affected the State of Iowa, to include Chickasaw County and the City of Lawler. These storms included thunderstorm, heavy rains and flash flooding which resulted in significant damage to public and private property. The City of Lawler experienced four inches of rain on August 26th raising Crane Creek to near flood stage. During the overnight period of August 27-28, the city experienced seventeen (17) inches of rain causing widespread flash flooding throughout the community. Flooding caused damage to city hall, city library, Junko Park, waste water lagoons and several streets, bridges and culverts. Flooding impacted 32 properties, some of which had not experienced flooding in the previous 100 years.

The city incurred approximately \$40,000 in damages identified in the days/weeks following the event. This does not include damages sustained to private businesses and homeowners. The flash flooding that occurred on August 28, 2021 caused significant damage to the city's infrastructure that was not immediately identified following the incident. The city needs to replace multiple culverts within the city to repair flood damage at an estimated cost of \$1,377,070.

We have delayed making this request while we pursued larger mitigation projects to address the city's flooding issues. We have worked with HSEMD and the Iowa Northland Regional Council of Governments to pursue federal grant funding as well as pursued other avenues within state government to obtain funding for the city's mitigation projects. None of those efforts have been successful.

We are now seeking this state contingent fund loan simply to make the repairs necessary to the city's infrastructure to ensure the safety of our citizens and visitors. Our small community does not have the financial resources needed to address these necessary repairs.

Please let me know if you have any questions, or need additional information.

Thank you for your consideration,

Mark Mueterthies 4-4-23

Mark Mueterthies

Mayor

CERTIFIED TRUE COPY OF RESOLUTION OF GOVERNING BODY
To Accompany Application for State Disaster Aid
Authorized by Section 29C.20 Code of Iowa

BE IT RESOLVED BY THE City Council OF THE City of Lawler
(Governing Body) (Public Entity)

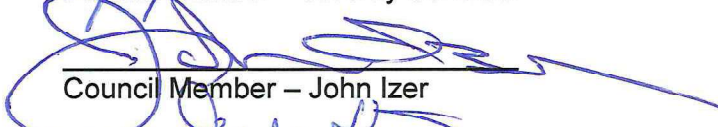
THAT Mark Muetherthies, Mayor
(Name of Incumbent) (Official Position)

is hereby authorized to execute for and on behalf of the City of Lawler, a public entity established under the laws of the State of Iowa, an application, for submittal to Iowa Homeland Security and Emergency Management Department, for the purpose of obtaining State Disaster Aid provided by 29C.20 Code of Iowa. And, if approved by the Executive Council, administer the loan in accordance with applicable local and state regulations, to include audit compliance.

Passed and approved this 3rd day of April, 2023.



Council Member – Jeremy Scheidel




Council Member – John Izer



Council Member – Dale King



Council Member – Kurt Croell

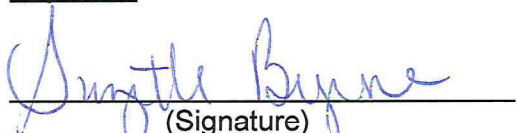


Council Member – Gwen Kuehner

ATTEST:

Suzie Bryne

City Clerk



(Signature)

CERTIFICATE
By Authorized Requesting Official
To Accompany Application for State Disaster Aid
Authorized by Section 29C.20 Code of Iowa

I, Mark Mueterthies, do hereby certify that I have been
authorized by City Council of the City of Lawler
(Governing Body) (Public Entity)

to file an application and, if approved, administer the loan in accordance with applicable
local and state regulations, to include audit compliance, on behalf of the above
indicated Governmental Subdivision.

FOR LOAN PURPOSES:

I certify that the total expenditures and obligations by the said Governmental
Subdivision, over and above normal expenditures and obligations, for disaster expenses
as a result of a Governor's Proclamation of Disaster Emergency for which no public
reimbursement has been or will be received, amounts to or exceeds \$1,000,000.00.

DATE: 4-4-23

Mark Mueterthies
(Signature)

APPLICATION FOR FINANCIAL STATE DISASTER AID
Authorized by Section 29C.20 Code of Iowa

Attach additional sheets as required and reference this Form

1. GENERAL INFORMATION:

a. Governmental Subdivision:

City of Lawler
(County, City or Town, School District, etc.)

b. Authorized Requesting Official

Mark Mueterthies, Mayor, City of Lawler
(Name, Official Title)

414 East Grove, Lawler, IA 52154 563-238-3614
(Official Address, Phone, Fax)

c. Date of Application: March 3, 2023

d. Type of actual or impending disaster:

Flash flooding

e. Disaster occurred on or expected about:

August 28, 2021
(date)

2. DISASTER SUMMARY:

a. Brief narrative description of the disaster, actual or expected, and estimate of severity and extent of damage resulting or expected:

The City of Lawler experienced four inches of rain on August 26th raising Crane Creek to near flood stage. During the overnight period of August 27-28, the city experienced seventeen (17) inches of rain causing widespread flash flooding throughout the community. Flooding caused damage to city hall, city library, Junko Park, waste water lagoons and several streets, bridges and culverts. Flooding impacted 32 properties, some of which had not experienced flooding in the previous 100 years.

2. DISASTER SUMMARY (continued):

b. Current estimate of disaster response and recovery costs:		ACTUAL	ESTIMATED
(1)	public losses (total of a, b, and c below)	\$ <u>37,235.26</u>	\$ <u>13,000.00</u>
(a)	emergency protective measures (flood fighting, rescue, safety, health and sanitation)	\$ _____	\$ _____
(b)	Clearance of disaster debris and wreckage (i.e., snow and tree removal)	\$ _____	\$ _____
(c)	<u>Emergency repairs and temporary replacement</u>		
	1. roads, streets, culverts, bridges	\$ <u>3,716.70</u>	\$ _____
	2. dikes, levees, and drainage facilities	\$ <u>10,742.50</u>	\$ _____
	3. public buildings and related equipment	\$ <u>9,241.15</u>	\$ _____
	4. public utilities and public works	\$ <u>13,534.81</u>	\$ <u>13,000.00</u>
*	(2) Any other expenses of the disaster (explain on separate sheet)	\$ _____	\$ <u>1,377,070.00</u>
	(3) Summation of (1) and (2) above	\$ <u>37,235.26</u>	\$ <u>1,390,070.00</u>

* Include only incurred disaster costs (i.e., generators, chippers, equipment, etc.) not reimbursed by a disaster grant, loan program, or insurance.

3. STATE DISASTER ASSISTANCE REQUESTED:

LOAN REQUEST INFORMATION

Costs:

Actual cost		\$ <u>37,235.26</u>
Estimated cost		\$ <u>1,390,070.00</u>
	A. Total Cost	\$ <u>1,427,305.26</u>

Reimbursements:

Disaster Year Budget Amount (____/____) (City budget)	\$ _____
Disaster Funds Received	\$ _____
Grants & Other Funds (CDBG, SCS, Rural Development)	\$ _____
B. Total Funds Received	\$ _____

C. Request Base Amount	\$ <u>1,427,305.26</u>
D. Less 25%	\$ <u>(356,826.32)</u>
E. The maximum amount that can be requested by the applicant	\$ <u>1,070,478.95</u>

(formula A minus B = C, C minus D = E)

4. HOW AND WHEN DO YOU PLAN TO REPAY THE LOAN (potential funding sources include general funds, Code of Iowa 24.6 or 384.8).

List proposed annual payments over a period of time not to exceed 20 years. List repayment fund sources.

Repayment Schedule

Year	Amount	Fund Source	Year	Amount	Fund Source
<u>2024</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2034</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2025</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2035</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2026</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2036</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2027</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2037</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2028</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2038</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2029</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2039</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2030</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2040</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2031</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2041</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2032</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2042</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2033</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2043</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>

Loan Request \$ 1,000,000.00

5. Please provide a summary of expenditures and projected costs over and above normal expenditures directly related to the disaster. (Force account, contractors, number of personnel, duration, operating expenditures, reconstruction, etc.)

The entire amount of the loan will be used to install culverts to replace those damaged during the flood.

On behalf of the public entity, I, the authorized representative, certify that if a loan is approved by the Executive Council, the loan moneys will be spent on 75% of the over and above costs directly related to the disaster or incident.

Mark Mueterthies, Mayor
Name, Official Position

City of Lawler
Public Entity

Lawler, IA Flooding

8/28/2021

Event Summary from Mayor of Lawler

- City received 4 inches of rain on 8/26/2021 raising Crane Creek
- 8/27 into 8/28/2021 Lawler received 17 inches of rain
- Flooding started around 4:00 am
- Flooding peaked around 10:30 am
- Estimated depth at peak was 33 ft. above the riverbed of Crane Creek
- Lagoon height is 32 ft. above the riverbed
- Runoff from the south was the primary source of flooding
 - Crane Creek backing up did contribute
- Flooding impacted houses that had not been touched in 100 years

0400 – Location unknown



0400 – SE corner of
Grove Street and Benz Street



Junko Park along Crane Creek



Additional Junko Park Photos



IA 24 bridge over Crane Creek



Lagoons east of Crane Creek



Looking north from Hwy 24



Looking west from Union Ave

Street Damage



Additional damages



Suzette Byrne

From: Lucas Elsbernd <lelsbernd@fehrgraham.com>
Sent: Monday, January 09, 2023 9:26 AM
To: Jay Uhlenhake; lawlercityclerk@iowatelecom.net
Subject: Cost Estimate for Box Culvert Replacement
Attachments: Lawler Box Culvert OPC - 2023-01-09.pdf

Jay,

As requested, attached is a preliminary opinion of probable cost for installation of box culverts at 5 stream crossings within the City of Lawler.

Let me know if you need anything else.

Thanks,



LUCAS ELSBERND, PE | Senior Project Engineer
Fehr Graham | Engineering & Environmental

221 East Main Street, Suite 301
Manchester, Iowa 52057
P: 563.927.2060
fehrgraham.com

FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL

MAR 1 2011

**Preliminary Opinion of Probable Cost
Box Culvert Replacement, City of Lawler, Iowa**

BENZ STREET

NO.	CODE	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
1	2010-A	CLEARING AND GRUBBING	1.00	LS	\$ 500.00	\$ 500
2	2010-E	EXCAVATION, CLASS 10	500.00	CY	\$ 12.00	\$ 6,000
3	2010-H	GRANULAR STABILIZATION	120.00	TON	\$ 24.00	\$ 2,880
4	2010-K-2-a	REMOVAL OF EXISTING CULVERTS OR BRIDGE	1.00	LS	\$ 15,000.00	\$ 15,000
5	4030-A-1	BOX CULVERT, TRENCHED, 12' X 6' PRECAST CONCRETE	48.00	LF	\$ 1,400.00	\$ 67,200
6	4030-A-1	BOX CULVERT, TRENCHED, 12' X 6' PRECAST CONCRETE END SECTIONS	2.00	EA	\$ 26,000.00	\$ 52,000
7	6010-B	INTAKE, MODIFIED SW-511	2.00	EA	\$ 4,000.00	\$ 8,000
8	7010-A	PAVEMENT, PCC, 7"	120.00	SY	\$ 75.00	\$ 9,000
9	7030-E	SIDEWALK, PCC	60.00	SY	\$ 60.00	\$ 3,600
10	7040-H	PAVEMENT REMOVAL	120.00	SY	\$ 10.00	\$ 1,200
11	7080-B	ENGINEERING FABRIC	120.00	SY	\$ 4.00	\$ 480
12	8030-A	TEMPORARY TRAFFIC CONTROL	1.00	LS	\$ 1,000.00	\$ 1,000
13	9010-A	CONVENTIONAL SEEDING, FERTILIZING, AND MULCHING	1.00	LS	\$ 1,500.00	\$ 1,500
14	9040-J-0	RIP RAP	130.00	TON	\$ 50.00	\$ 6,500
15	9040-N-1	SILT FENCE OR SILT FENCE DITCH CHECK	200.00	LF	\$ 5.00	\$ 1,000
16	9060-A	CHAIN LINK FENCE, HIGH, 48"	120.00	LF	\$ 40.00	\$ 4,800
17	9071-C	GRANULAR BACKFILL MATERIAL	170.00	CY	\$ 45.00	\$ 7,650
18	11,020-A	MOBILIZATION	1.00	LS	\$ 12,000.00	\$ 12,000
19	11,050-A	CONCRETE WASHOUT	1.00	LS	\$ 1,000.00	\$ 1,000

ESTIMATED CONTRACT AMOUNT - BENZ STREET \$ 201,310

DEPOT STREET

NO.	CODE	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
1	2010-A	CLEARING AND GRUBBING	1.00	LS	\$ 2,000.00	\$ 2,000
2	2010-E	EXCAVATION, CLASS 10	500.00	CY	\$ 12.00	\$ 6,000
3	2010-H	GRANULAR STABILIZATION	120.00	TON	\$ 24.00	\$ 2,880
4	2010-K-2-a	REMOVAL OF EXISTING CULVERTS OR BRIDGE	1.00	LS	\$ 15,000.00	\$ 15,000
5	4030-A-1	BOX CULVERT, TRENCHED, 12' X 6' PRECAST CONCRETE	48.00	LF	\$ 1,400.00	\$ 67,200
6	4030-A-1	BOX CULVERT, TRENCHED, 12' X 6' PRECAST CONCRETE END SECTIONS	2.00	EA	\$ 26,000.00	\$ 52,000
7	6010-B	INTAKE, MODIFIED SW-511	2.00	EA	\$ 4,000.00	\$ 8,000
8	7010-A	PAVEMENT, PCC, 7"	120.00	SY	\$ 75.00	\$ 9,000
9	7030-E	SIDEWALK, PCC, 4"	60.00	SY	\$ 60.00	\$ 3,600
10	7030-H-2	SHOULDER, GRANULAR	80.00	SY	\$ 22.00	\$ 1,760
11	7040-H	PAVEMENT REMOVAL	120.00	SY	\$ 10.00	\$ 1,200
12	7080-B	ENGINEERING FABRIC	120.00	SY	\$ 4.00	\$ 480
13	8030-A	TEMPORARY TRAFFIC CONTROL	1.00	LS	\$ 1,000.00	\$ 1,000
14	9010-A	CONVENTIONAL SEEDING, FERTILIZING, AND MULCHING	1.00	LS	\$ 1,500.00	\$ 1,500
15	9040-J-0	RIP RAP	130.00	TON	\$ 50.00	\$ 6,500

16	9040-N-1	SILT FENCE OR SILT FENCE DITCH CHECK	200.00	LF	\$ 5.00	\$ 1,000
17	9060-A	CHAIN LINK FENCE, HIGH, 48"	120.00	LF	\$ 40.00	\$ 4,800
18	9071-C	GRANULAR BACKFILL MATERIAL	170.00	CY	\$ 45.00	\$ 7,650
19	11,020-A	MOBILIZATION	1.00	LS	\$ 12,000.00	\$ 12,000
20	11,050-A	CONCRETE WASHOUT	1.00	LS	\$ 1,000.00	\$ 1,000

ESTIMATED CONTRACT AMOUNT - DEPOT STREET \$ 204,570

OWL STREET

NO.	CODE	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
1	2010-A	CLEARING AND GRUBBING	1.00	LS	\$ 1,000.00	\$ 1,000
2	2010-E	EXCAVATION, CLASS 10	500.00	CY	\$ 12.00	\$ 6,000
3	2010-H	GRANULAR STABILIZATION	100.00	TON	\$ 24.00	\$ 2,400
4	2010-K-2-a	REMOVAL OF EXISTING CULVERTS OR BRIDGE	1.00	LS	\$ 15,000.00	\$ 15,000
5	4030-A-1	BOX CULVERT, TRENCHED, 12' X 6' PRECAST CONCRETE	42.00	LF	\$ 1,400.00	\$ 58,800
6	4030-A-1	BOX CULVERT, TRENCHED, 12' X 6' PRECAST CONCRETE END SECTIONS	2.00	EA	\$ 26,000.00	\$ 52,000
7	6010-B	INTAKE, MODIFIED SW-511	2.00	EA	\$ 4,000.00	\$ 8,000
8	7010-A	PAVEMENT, PCC, 7"	120.00	SY	\$ 75.00	\$ 9,000
9	7030-E	SIDEWALK, PCC, 4"	60.00	SY	\$ 60.00	\$ 3,600
10	7030-H-2	SHOULDER, GRANULAR	80.00	SY	\$ 28.00	\$ 2,240
11	7040-H	PAVEMENT REMOVAL	120.00	SY	\$ 10.00	\$ 1,200
12	7080-B	ENGINEERING FABRIC	120.00	SY	\$ 4.00	\$ 480
13	8030-A	TEMPORARY TRAFFIC CONTROL	1.00	LS	\$ 1,000.00	\$ 1,000
14	9010-A	CONVENTIONAL SEEDING, FERTILIZING, AND MULCHING	1.00	LS	\$ 1,500.00	\$ 1,500
15	9040-J-0	RIP RAP	130.00	TON	\$ 50.00	\$ 6,500
16	9040-N-1	SILT FENCE OR SILT FENCE DITCH CHECK	200.00	LF	\$ 5.00	\$ 1,000
17	9060-A	CHAIN LINK FENCE, HIGH, 48"	120.00	LF	\$ 40.00	\$ 4,800
18	9071-C	GRANULAR BACKFILL MATERIAL	150.00	CY	\$ 45.00	\$ 6,750
19	11,020-A	MOBILIZATION	1.00	LS	\$ 12,000.00	\$ 12,000
20	11,050-A	CONCRETE WASHOUT	1.00	LS	\$ 1,000.00	\$ 1,000

ESTIMATED CONTRACT AMOUNT - OWL STREET \$ 194,270

DIAGONAL STREET

NO.	CODE	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
1	2010-A	CLEARING AND GRUBBING	1.00	LS	\$ 2,000.00	\$ 2,000
2	2010-E	EXCAVATION, CLASS 10	500.00	CY	\$ 12.00	\$ 6,000
3	2010-H	GRANULAR STABILIZATION	120.00	TON	\$ 24.00	\$ 2,880
4	2010-K-2-a	REMOVAL OF EXISTING CULVERTS OR BRIDGE	1.00	LS	\$ 15,000.00	\$ 15,000
5	4030-A-1	BOX CULVERT, TRENCHED, 12' X 6' PRECAST CONCRETE	48.00	LF	\$ 1,400.00	\$ 67,200
6	4030-A-1	BOX CULVERT, TRENCHED, 12' X 6' PRECAST CONCRETE END SECTIONS	2.00	EA	\$ 26,000.00	\$ 52,000
7	6010-B	INTAKE, MODIFIED SW-511	2.00	EA	\$ 4,000.00	\$ 8,000
8	7010-A	PAVEMENT, PCC, 7"	120.00	SY	\$ 75.00	\$ 9,000
9	7030-E	SIDEWALK, PCC, 4"	60.00	SY	\$ 60.00	\$ 3,600
10	7030-H-2	SHOULDER, GRANULAR	80.00	SY	\$ 22.00	\$ 1,760
11	7040-H	PAVEMENT REMOVAL	120.00	SY	\$ 10.00	\$ 1,200
12	7080-B	ENGINEERING FABRIC	120.00	SY	\$ 4.00	\$ 480

13	8030-A	TEMPORARY TRAFFIC CONTROL	1.00	LS	\$ 1,000.00	\$ 1,000
14	9010-A	CONVENTIONAL SEEDING, FERTILIZING, AND MULCHING	1.00	LS	\$ 1,500.00	\$ 1,500
15	9040-J-0	RIP RAP	130.00	TON	\$ 50.00	\$ 6,500
16	9040-N-1	SILT FENCE OR SILT FENCE DITCH CHECK	200.00	LF	\$ 2.50	\$ 500
17	9060-A	CHAIN LINK FENCE, HIGH, 48"	120.00	LF	\$ 40.00	\$ 4,800
18	9071-C	GRANULAR BACKFILL MATERIAL	170.00	CY	\$ 45.00	\$ 7,650
19	11,020-A	MOBILIZATION	1.00	LS	\$ 12,000.00	\$ 12,000
20	11,050-A	CONCRETE WASHOUT	1.00	LS	\$ 1,000.00	\$ 1,000

ESTIMATED CONTRACT AMOUNT - DIAGONAL STREET \$ 204,070

GROVE STREET

NO.	CODE	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
1	2010-A	CLEARING AND GRUBBING	1.00	LS	\$ 500.00	\$ 500
2	2010-E	EXCAVATION, CLASS 10	500.00	CY	\$ 12.00	\$ 6,000
3	2010-H	GRANULAR STABILIZATION	140.00	TON	\$ 24.00	\$ 3,360
4	2010-K-2-a	REMOVAL OF EXISTING CULVERTS OR BRIDGE	1.00	LS	\$ 15,000.00	\$ 15,000
5	4030-A-1	BOX CULVERT, TRENCHED, 12' X 6' PRECAST CONCRETE	54.00	LF	\$ 1,400.00	\$ 75,600
6	4030-A-1	BOX CULVERT, TRENCHED, 12' X 6' PRECAST CONCRETE END SECTIONS	2.00	EA	\$ 26,000.00	\$ 52,000
7	7010-A	PAVEMENT, PCC, 7"	120.00	SY	\$ 75.00	\$ 9,000
8	7030-E	SIDEWALK, PCC, 4"	60.00	SY	\$ 60.00	\$ 3,600
9	7030-H-2	SHOULDER, GRANULAR	80.00	SY	\$ 22.00	\$ 1,760
10	7040-H	PAVEMENT REMOVAL	120.00	SY	\$ 10.00	\$ 1,200
11	7080-B	ENGINEERING FABRIC	120.00	SY	\$ 4.00	\$ 480
12	8030-A	TEMPORARY TRAFFIC CONTROL	1.00	LS	\$ 1,000.00	\$ 1,000
13	9010-A	CONVENTIONAL SEEDING, FERTILIZING, AND MULCHING	1.00	LS	\$ 1,500.00	\$ 1,500
14	9040-J-0	RIP RAP	130.00	TON	\$ 50.00	\$ 6,500
15	9040-N-1	SILT FENCE OR SILT FENCE DITCH CHECK	200.00	LF	\$ 5.00	\$ 1,000
16	9060-A	CHAIN LINK FENCE, HIGH, 48"	120.00	LF	\$ 40.00	\$ 4,800
17	9071-C	GRANULAR BACKFILL MATERIAL	190.00	CY	\$ 45.00	\$ 8,550
18	11,020-A	MOBILIZATION	1.00	LS	\$ 12,000.00	\$ 12,000
19	11,050-A	CONCRETE WASHOUT	1.00	LS	\$ 1,000.00	\$ 1,000

ESTIMATED CONTRACT AMOUNT - GROVE STREET \$ 204,850

TOTAL ESTIMATED CONTRACT AMOUNT \$ 1,009,070

Construction Contingency (15%) \$ 151,000

Easements \$ 15,000

Engineering Design, Construction Services, Project Administration \$ 202,000

ESTIMATED PROJECT TOTAL \$ 1,377,070

Date: July 9, 2023

RESOLUTION #2023-04032023

A Resolution calling for the statutory repayment of state disaster aid for losses incurred due to Severe Weather/Flooding on August 28, 2021
(incident) (date/s)

BE IT RESOLVED BY THE City Council
(Governing Body)

OF The City of Lawler that the State Disaster Aid shall be repaid according to State Statutes in the following manner:

Total Amount of Proposed Loan: \$ 1,000,000.00
Date of Application: March 3, 2023

Statutory repayment Period: MAXIMUM 20 Years

REPAYMENT SCHEDULE

<u>YEAR/AMOUNT</u>			<u>YEAR/AMOUNT</u>		
<u>2024</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2034</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2025</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2035</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2026</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2036</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2027</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2037</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2028</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2038</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2029</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2039</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2030</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2040</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2031</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2041</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2032</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2042</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>
<u>2033</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>	<u>2043</u>	<u>\$ 50,000.00</u>	<u>Debt Service</u>

Loan Request \$ 1,000,000.00

Total to be Repaid: \$ 1,000,000.00

BE IT FURTHER RESOLVED THAT these 20 annual payments shall be considered as 6801 - Principal under the Debt Service fund
(budget line item) (name of account)
and to be paid out of the same.

PASSED AND APPROVED this the 3 day of April, 2023.

Mark Minter
Mayor's Signature

ATTEST:

Donna Byrne
Clerk or Secretary of Governing Body

Roll Call:

5 Ayes

0 Nays

0 Absent

0 Abstain

**REVIEW OF APPLICATION
FOR STATE DISASTER AID
(Iowa Code 29C.20)**

POLITICAL SUBDIVISION - City of Lawler
04/14/2023

Date of Review of Application Package: _____

Reason for Request: During the overnight period of August 27-28, 2021, the city experienced seventeen (17) inches of rain causing widespread flash flooding throughout the community. Flooding caused damages to several streets, bridges and culverts.

Population: 412 (2020)

Resolution: 2023-04032023

Application Made: March 3, 2023

Certificate for Application: April 4, 2023

Amount of Request: \$1,000,000.00

* Assessed Valuation: \$1,427,305.26

* Has applicant petitioned the state board for approval to make emergency tax levy?

Not at this time

* What other obligations will be paid from this emergency request?

All funds will be used to pay the contractor installing new culverts

* Proposed method and/or time frame to repay state disaster loan:

Debt service will be used to repay this loan at \$50,000.00 per year for 20 years.

* Recommendations:

I recommend that this loan be approved in the amount of \$1,000,000.00.

Dennis T Harper

Digitally signed by Dennis T Harper

Date: 2023.04.14 08:01:35 -05'00'

Date

Signature of Reviewer

REPORT AND RECOMMENDATION
of
**DIRECTOR, IOWA DEPARTMENT OF HOMELAND SECURITY AND
EMERGENCY MANAGEMENT**
on
Application for State Disaster Aid
Authorized by Section 29C.20 Code of Iowa


By: Mayor Mark Muetherthies on behalf of City of Lawler, Iowa
(Governmental Subdivision)

1. The above designated requesting official is the duly authorized representative of the indicated Governmental Subdivision, which is the political entity primarily responsible, under the criteria established by Executive Council Policy implementing the provisions of the State Disaster Contingency Fund (29C.20, Code of Iowa, Administrative Rules, 261-7.1 (29C)), for coping with a disaster, actual or anticipated, occurring within the area occupied by such Governmental Subdivision.
2. The designated requesting official has certified that the total expenditures and obligations by the indicated Governmental Subdivision, over and above normal expenditures and obligations, for disaster aid for which no reimbursement has been or will be received, amounted to or exceeds \$ 1,427,305.26 which amount is at least 25% greater than the amount requested in Application, and set forth in paragraph 4, hereafter.
3. I have designated an investigative official, who proceeded to the site of the disaster, or impending disaster, for the purpose of verifying the information submitted in Form SDA-3, and otherwise interviewing appropriate officials and examining records, and who has submitted the report to me as to the matters investigated by designee.
4. I have personally reviewed the Application and supporting documents, and based upon this examination and the report of the Investigative Official, do hereby recommend approval thereof by the Executive Council of the said Application for a loan in an amount not to exceed \$ 1,000,000.00, or for such amounts may be determined, in the discretion of the Executive Council, for the purposes authorized in Section 29C.20 of the Code of Iowa.

DATE: _____

John R. Benson Digitally signed by John R. Benson
Date: 2023.05.26 09:19:21 -05'00'

Director, Iowa Department of Homeland Security
and Emergency Management



State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, on August 24, 2021, and continuing thereafter, a severe storm system affected the state of Iowa; and

WHEREAS, this storm system caused severe weather, including damaging winds, straight-line winds, heavy rains, thunderstorms, and flash flooding, resulting in significant damage to public and private property; and

WHEREAS, Allamakee, Buchanan, Cerro Gordo, Chickasaw, Clayton, Emmet, Floyd, Howard, Lyon, Palo Alto and Winneshiek counties suffered significant damage from this event; and

WHEREAS, reports forwarded to the Iowa Department of Homeland Security and Emergency Management by the emergency management coordinators in the affected counties indicate that state individual assistance pursuant to Iowa Code § 29C.20A and 441 Iowa Admin. Code 58.2 (1) is needed to assist certain individuals and families adversely affected by the disaster who cannot be helped by other means of financial assistance and for whom federal assistance under the Stafford Act is either not available or does not adequately meet the needs of the citizens in the disaster area; and

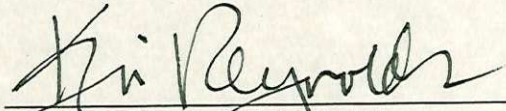
WHEREAS, these conditions threaten the public peace, health, and safety of citizens of the State of Iowa and have damaged and destroyed public and private property. Because of this, they provide legal justification for the issuance of a Proclamation of a State of Disaster Emergency pursuant to Iowa Code § 29C.6 (1).

NOW, THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution Art. IV, §§ 1, 8 and Iowa Code § 29C.6 (1), and all other applicable laws, do hereby proclaim a **STATE OF DISASTER EMERGENCY** for Allamakee, Buchanan, Cerro Gordo, Chickasaw, Clayton, Emmet, Floyd, Howard, Lyon, Palo Alto and Winneshiek counties and do hereby **ORDER** and **DIRECT** the following:

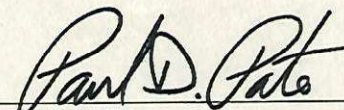
SECTION ONE. As required by Iowa Code § 29C.6 (1), (10) and 42 U.S.C. § 5170 in cases of Presidential Disaster Declarations, this Proclamation of Disaster Emergency activates the disaster response and recovery aspects of the Iowa Department of Homeland Security and Emergency Management's Iowa Emergency Response Plan and those additional response plans applicable to the counties affected by this disaster and authorizes the use and deployment of all available state resources, supplies, equipment, and materials as are reasonably necessary to assist those citizens located in the disaster counties.



IN TESTIMONY WHEREOF, I HAVE
HEREUNTO SUBSCRIBED MY NAME AND
CAUSED THE GREAT SEAL OF THE STATE
OF IOWA TO BE AFFIXED AT DES MOINES,
IOWA THIS THIRTIETH DAY OF AUGUST IN
THE YEAR OF OUR LORD TWO THOUSAND
TWENTY-ONE.


KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:


PAUL D. PATE
SECRETARY OF STATE

State of Iowa
Contingent Fund Loan
Contact and Information Sheet

Name of Applicant:

City of Lawler

Payment Information:

Payee:

City of Lawler

Attention to:

Suzie Bryne, City Clerk

Address:

414 E Grove St, Lawler, IA 52154

Contact information for future correspondence and reminders:

Name:

Suzie Bryne, City Clerk (primary)

Email address:

lawlercyclyerk@telecom.net

Phone Number:

563.238.3614

Notes:

BRENNA BIRD
ATTORNEY GENERAL

KEVIN PROTZMANN
ASSISTANT ATTORNEY GENERAL
AGENCY COUNSEL DIVISION



1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-6690
Email: kevin.protzmann@ag.iowa.gov
www.iowaattorneygeneral.gov

IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

June 7, 2023

John Benson
Iowa Homeland Security and Emergency Management
7900 Hickman Road
Windsor Heights, Iowa 50324

RE: Contingent Fund Loan Application – City of Lawler

Dear Director Benson:

Pursuant to your request, I have reviewed the Application for Financial State Disaster Aid authorized by Iowa Code § 29C.20 (contingent fund loan), which your department recently received from the City of Lawler (“the City”). I offer the following observations regarding compliance with the legal requirements set forth in Iowa Code § 29C.20 and the administrative rules of 361 Iowa Admin. Code Chapter 7 that implement the same.

Iowa Code § 29C.20 establishes a state contingent fund under the control of the Executive Council which may be expended in the form of zero-interest loans to aid “any governmental subdivision in an area declared by the governor to be a disaster area due to natural disasters or to expenditures necessitated by the governmental subdivision toward averting or lessening the impact of the potential disaster, where the effect of the disaster or action on the governmental subdivision is the immediate financial inability to meet the continuing requirements of local government.” Iowa Code § 29C.20(1)(a)(6)(a).

To be eligible for a disaster loan, “a governmental subdivision must have potential or actual expenditures for disaster caused local government expenses amounting to at least \$6 for each person (pop. last U.S. census or official school district census) in the governmental subdivision.” 361 Iowa Admin. Code 7.5(1). Contingent funds may be used by a governmental subdivision for recovery and mitigation expenditures, including repair or replacement of drainage facilities, such as culverts. *Id.*

Upon application, a governmental subdivision that has disaster related expenditures meeting this threshold may be awarded “a loan up to a limit of seventy-five percent of the showing of obligations and expenditures.” Iowa

Code § 29C.20(1)(a)(6)(b). Furthermore, while the loans may be made at the discretion of the Executive Council, “[t]he aggregate total of loans shall not exceed one million dollars during a fiscal year.” *Id.* The repayment of a contingency fund loan shall be made within 20 years. 361 Iowa Admin. Code 7.5(1).

On August 24, 2021, and continuing thereafter, a storm system causing severe weather, heavy rains, and flash flooding impacted the State of Iowa, including Chickasaw County and the City. On August 30, 2021, Governor Reynolds issued a Proclamation of Disaster Emergency indicating Chickasaw County suffered significant damage from the storm.

Subsequently, on April 4, 2023, the City, a part of Chickasaw County, applied for contingent fund aid to replace box culverts at five stream crossings within the City that were damaged beyond repair by the 2021 flash floods. The City states that it initially incurred \$37,235.26 in actual costs for emergency repairs and replacements to its public infrastructure in the aftermath of the disaster, whereas the damage to its drainage culverts was not immediately identifiable. The City later obtained a preliminary opinion from a contractor in January 2023 that installing replacement box culverts at five stream crossings in the City will incur probable, estimated costs of \$1,377,070. The City states its delay in requesting a disaster loan comes after having unsuccessfully pursued federal grant funding and other avenues for state funds. Because the costs are associated with replacing drainage facilities related to a natural disaster, the expenditure appears to be for an eligible purpose under Iowa Code § 29C.20(1)(a)(6) and 361 Iowa Admin. Code 7.5(1).

The City requests a disaster loan of \$1,000,000 and has certified that the total expenditures and obligations for disaster aid that have been or are estimated to be incurred by it that are over and beyond normal expenditures and obligations, and for which no reimbursement has been made or will be received, amounts to \$1,427,305.26. The requested loan is therefore below the seventy-five percent threshold of total expenditures.¹ The population of the City is 412 as determined by the U.S. Census Bureau in the 2020 census. Therefore, the City’s expenses are in excess of the \$6.00 per capita amount required for eligibility for a contingency fund loan. The request is for obligations and expenditures which are yet to be incurred. The City proposes

¹ The City combined its prior, actual expenses of \$37,235.26 with the estimated culvert replacement cost of \$1,377,070 to certify its total costs. However, the City stated in its application that it only intends to use the disaster loan to fund the replacement of its culverts. This discrepancy is immaterial, and it does not pose a bar to the Executive Council approving the full value of the loan. Even if the City resubmitted its request with total costs limited to the culvert replacement, the requested \$1,000,000 loan would still be authorized as it would constitute less than seventy-five percent of the cost of the culvert replacement.

a repayment schedule within 20 years by paying \$50,000.00 annually for 20 years. The funds are to be repaid from the City's debt service funds.

Based on the information provided to me for review, and assuming the funds are applied appropriately and the statutory limit on the aggregate total of loans is not exceeded by this request, the City of Lawler's request appears to comply with Iowa Code § 29C.20 and the administrative rules governing the contingency fund.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Protzmann', with a long horizontal flourish extending to the right.

Kevin Protzmann
Assistant Attorney General
Agency Counsel Division